

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09cr18-BO

UNITED STATES OF AMERICA

v.

JOHN THOMAS DAVIS

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CRIMINAL INFORMATION

The Grand Jury charges that:

COUNTS ONE THROUGH SIX

(Manufacture of Child Pornography)

During the years 2000 and 2001, including dates known and unknown to the United States Attorney, in the Eastern District of North Carolina, the defendant, JOHN THOMAS DAVIS, did and attempted to employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing the following visual depictions of such conduct each:

Count	Image Name
1	MVC-014S.JPG
2	MVC-009S.JPG
3	MVC-003S.JPG
4	MVC-004S.JPG
5	MVC-002S.JPG

6	mvc-016s3.bmp
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these visual depictions were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce, each entry in the above table constituting a separate violation of Title 18, United States Code Sections 2251(a) and (d).

COUNT SEVEN
(Receipt of Child Pornography)

On a date between on or about on or about April of 2005, and on or about January 2007, JOHN THOMAS DAVIS, the defendant herein, did knowingly receive a visual depiction, that is, a digital and computer image with the file name "BILD20.jpg," which file had been mailed, shipped and transported in interstate and foreign commerce by any means, including by computer; the production of the foregoing visual depiction involved the use of a minor engaging in sexually explicit conduct and was a depictions of such conduct, all in violation of Title 18, United States Code, Section 2252(a)(2).

FORFEITURE ALLEGATION

If convicted of one or more of the offenses set forth in counts 1-7 above, JOHN THOMAS DAVIS, the defendant herein, shall forfeit to the United States —

(1) any visual depiction or book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction,

which was produced, transported, mailed, shipped or received in violation of the offense(s);

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense(s); and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense(s)

— all pursuant to Title 18, United States Code, Section 2253(a).

If any of the above-described forfeitable property, as a result of any act or omission of the defendant --

(1) cannot be located upon the exercise of due diligence;

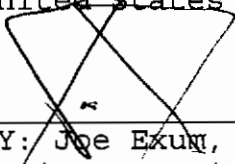
(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 18, United States Code, Sections 2253(o) or 1467(n), whichever may be applicable, to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

GEORGE E.B. HOLDING
United States Attorney

BY: 
Assistant United States Attorney
Criminal Division